

# Planning Committee

20 April 2016

**Reference:**  
**APP/15/01465**

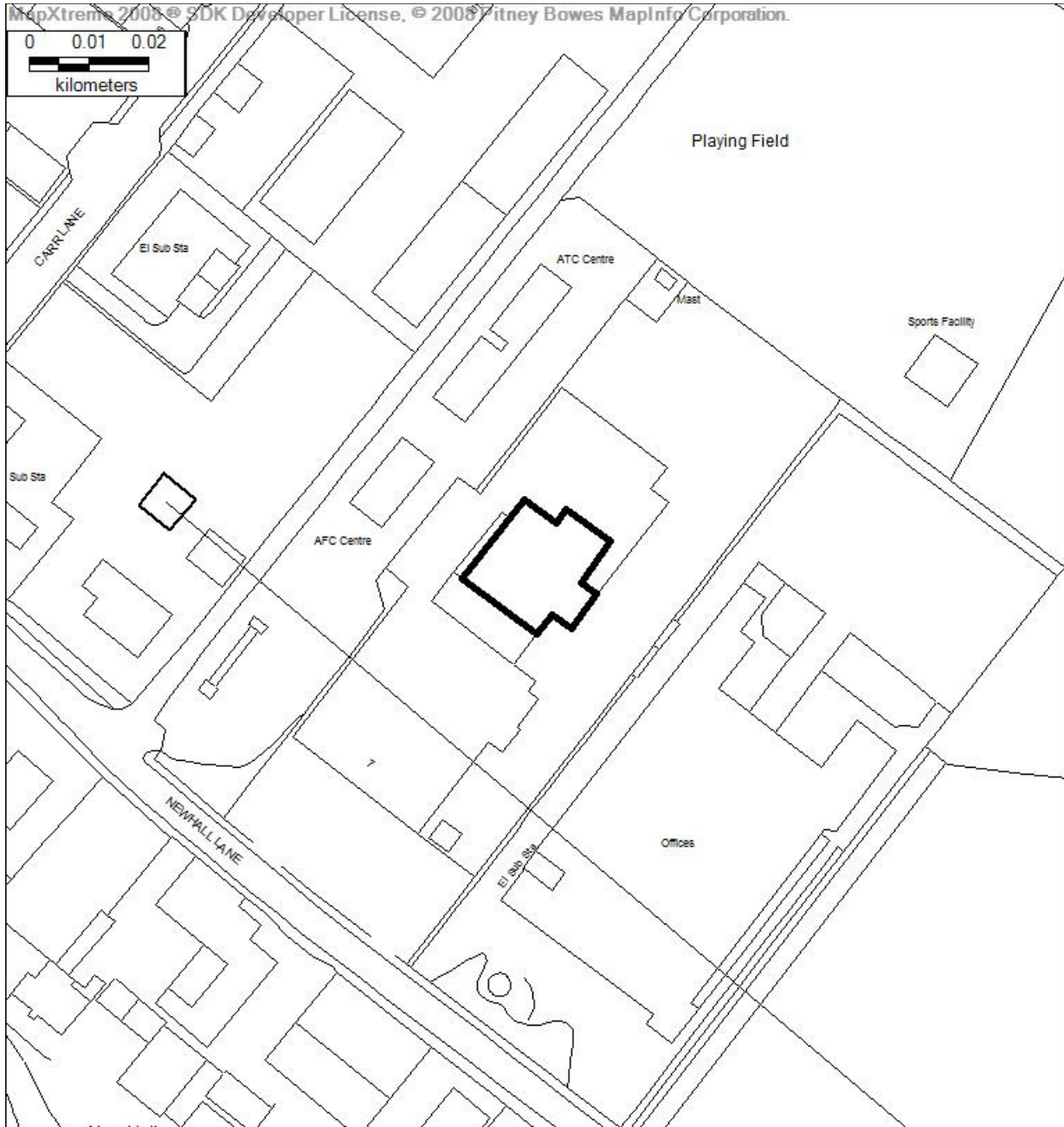
**Area Team:**  
**North Team**

**Case Officer:**  
**Mr P Howson**

**Ward:**  
**Hoylake and Meols**

**Location:** M J Lavin Plant and Machinery, 7-11 NEW HALL LANE, HOYLAKE, CH47 4BP  
**Proposal:** Change of use from warehouse to gymnasium  
**Applicant:** MJ Lavin Plant & Machinery  
**Agent :** Gilmore Developments Limited

## Site Plan:



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**Development Plan designation and policies:**

Primarily Industrial Area

**Planning History:**

Location: M J Lavin Plant and Machinery, 7-11 NEW HALL LANE, HOYLAKE, CH47  
4BP

Application Type: Full Planning Permission

Proposal: Change of use from warehouse to gymnasium- Amended address

Application No: APP/15/01180

Decision Date: 15/10/2015

Decision Type: Refuse

**Summary Of Representations and Consultations Received:**REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 20 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing a single letter of representation has been received objecting to the proposal, summary of comments;

- a) Obstructive vehicle parking

CONSULTATIONS

**Head of Environment & Regulation (Traffic and Transportation Division)** - No objections

**Hoyle Community Planning Forum** - No objections

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

The proposal is a departure from the Development Plan.

**INTRODUCTION**

This application seeks approval for the change of use of an existing industrial unit (B2) to a gymnasium (D2) at Nos. 7-11 New Hall Lane, Hoyle.

**PRINCIPLE OF DEVELOPMENT**

The application is a departure from the statutory development plan, the site being situated within a Primarily Industrial Area as shown on the Wirral UDP Proposals Map 2000, where UDP Policy EM8 only permits employment uses within Use Classes B1, B2 or B8 and proposals for the extension or expansion of existing businesses. Planning law requires the application to be determined in accordance with development plan unless material considerations indicate otherwise.

**SITE AND SURROUNDINGS**

The site in question comprises of a warehouse unit which forms part of a wider industrial complex. The unit in question is comprised from a red buff brick and features a pitched corrugated roof typical of industrial buildings. There is an expansive area of hard standing utilised for vehicle parking and the storage of materials associated with an existing industrial enterprise.

The immediate vicinity is industrial in character with large units simple in architectural style. An agricultural enterprise exists to the south and at the time of the site visit was being used for the storage of cattle.

**POLICY CONTEXT**

The National Planning Policy Framework (NPPF) provides for a presumption in favour of sustainable development which encompasses good design.

Paragraph 24 of the National Planning Policy Framework requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses not within the main town centre. Proposals for main town centre uses within out of centre sites should only be considered when suitable

sites within the town centre have been considered.

Policy EM8: Development within Primarily Industrial Areas seeks to guide development falling within Classes B1, B2 or B8 to appropriate industrial locations and is considered compliant with the provisions of the NPPF in this respect.

### **APPEARANCE AND AMENITY ISSUES**

The application proposes no significant external changes and is acceptable in this respect.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for that allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The applicant has submitted supporting information stating that the unit in question has been vacant since July 2013 and was subsequently marketed via a local and national estate agency from that date. A vacancy board was also sited within the local vicinity with no enquiries received.

The NPPF states that in order to achieve economic growth local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century. Investment in business should not be overburdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. Existing business sectors should be supported, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.

The applicant has stated that the gymnasium has operated within a smaller unit within the Carr Lane Industrial Estate for over 6 years and, as such, has built up an established client base within the Hoylake area. The submitted sequential test is based upon the requirements of the business which includes a minimum floor area of 450 square metres. The applicant has discounted a total of 13 sites located within the Key Town Centre of Hoylake all of which fail to meet the requirements of the business.

Paragraph 24 of the NPPF states that should main town centre uses be located in edge of centre locations, subject to no suitable central sites, then preference should be given to accessible sites that are well connected to the town centre. The development site in question is sited within close proximity to sustainable modes of transport and within a reasonable distance of the Key Town Centre.

Having regards to the sequential test, supporting information and the provisions of the NPPF the proposal is considered acceptable and is therefore recommended for approval.

### Other matters

Over the course of this application a single letter of representation has been received objecting to the proposal, summary of comments;

- a) Obstructive vehicle parking

It is the responsibility of motorists to ensure that their vehicles are parked safely and not obstructing the highway or access drives to properties as such the above is not a matter for the planning regime. A condition has been imposed requiring the applicant to implement an area of vehicle parking in accordance with the submitted plans.

### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no habitable windows will be affected by the proposed development.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

Having regards to the sequential test and supporting information the proposal is considered acceptable and compliant with the provisions of the NPPF and is therefore acceptable.

#### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Having regards to the sequential test and supporting information the proposal is considered acceptable and compliant with the provisions of the NPPF and is therefore acceptable.

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 07 December 2015 and listed as follows: 01, 02, 03, 04 and Site Location Plan

**Reason:** For the avoidance of doubt and to define the permission.

3. Within three months of the date of this approval the parking area shown on plan No. 03 shall be consolidated, surfaced and laid out and shall be maintained and remain available for this use at all times thereafter.

**Reason:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

4. The premises shall be used as described and set out on the application forms and supporting information only, including for no other purpose within D2 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.

**Reason:** In order to protect the character of the area and to accord with Policy EM8 of the Wirral Unitary Development Plan.

5. This permission shall be for a limited period of 10 years only expiring on 20/04/2026 when (unless a further application has been submitted to and approved by the Local Planning

Authority) the D2 use hereby approved shall be discontinued and/or works hereby approved shall be removed and the B2 use of the property reinstated to the satisfaction of the Local Planning Authority.

**Reason:** The application premises are situated in an area allocated for Industrial use under Council's policies and permission for a longer period would prejudice the land use allocation

**Further Notes for Committee:**

**Last Comments By:** 05/01/2016 10:31:54

**Expiry Date:** 01/02/2016